
ZONING ORDINANCE BASICS

Authority

State police power delegated to cities and towns by the General Court (Chapter 40A of the General Laws sets out the rules that cities and towns must observe). First adopted in Cambridge in 1923.

Note: While the permissible scope of a zoning ordinance is wide-ranging, with that scope expanding over time, the authority is limited by the state and federal constitutions (e.g. no zoning regulation may constitute a taking of private property, or violate civil rights or fair housing laws) and by Chapter 40A the state statute governing local land use regulation.

Purposes

- a. Regulate how private property is used.
- b. Implement city land use policies.

Examples:

- a. *Toward a Sustainable Future: Cambridge Growth Policy Document*
- b. Alewife Planning Study
- c. Kendall Square Urban Renewal Plan
- d. Open space policy plans
- e. Housing policy plans and documents
- f. Historic districts

- c. Protect the public health, safety, and welfare: lessen congestion; prevent fires, floods, adequate light and air; facilitate provision of transportation, open space, housing; conserve the value of buildings and land; conserve natural resources; prevent blight and pollution; increase amenities; encourage economic development; protect residential neighborhoods. (From preamble to the Ordinance)

Adoption

- a. Petition for a zoning district or regulation change can be made by Planning Board, 10 registered voters, property owner, City Councilor.
- b. Adopted by 6 members of the City Council (or 7 if a minimum number of property owners protests formally) after Planning Board and Ordinance Committee public hearings.

Administration of Zoning Regulations

City Council

Establishes the rules by which land can be developed in the city through its exclusive power to adopt and change the Zoning Ordinance (i.e. establishes city policy with regard to development). The council does not administer the Ordinance.

Inspectional Services Department

- a. Reviews all development projects and use changes for conformance with the requirements of the Zoning Ordinance (and many other city ordinances). Issues building permits and occupancy permits if all zoning requirements are met. No discretionary judgment is involved. Sole agency responsible for enforcing the Zoning Ordinance.
- b. Provides staff assistance to the Board of Zoning Appeal.

Community Development Department

- a. Undertakes planning efforts in many functional areas. Formulates proposed city policies and develops recommendations for their implementation through zoning.
- b. Provides staff assistance to the Planning Board.

Planning Board (appointed by the City Manager)

- a. In a quasi-judicial role, grants special permits for development as set forth in the Zoning Ordinance (generally larger scaled development projects).
- b. Develops land use policy, and the zoning regulations to implement it, for recommendation to City Council for adoption.

Board of Zoning Appeal (appointed by the City Manager)

- a. In a quasi-judicial role, grants special permits for development as set forth in the Zoning Ordinance (generally smaller scaled projects and special uses).
- b. In a quasi-judicial role, grants variances from the requirements of the Zoning Ordinance, under limited conditions mandated by Chapter 40A and the Zoning Ordinance

c. Hears appeals from enforcement actions taken by the Inspectional Services Department and interprets the meaning of the Ordinance's provisions and words.

Structure of the Ordinance

Zoning Map

a. Locates the boundaries of each of the zoning districts established in the Zoning Ordinance (about 60 separate districts). Each district is a unique combination of use, dimensional and special requirements and limitations.

b. "Base" zoning districts are the ordinary residential, office, business and industrial districts that define development character across the city.

<p>Examples:</p> <ol style="list-style-type: none">1. Residence A-1, A-2, B, C-1, C-2, and C-32. Business A and A-13. Office 1, Office 3 (<i>in Harvard Square</i>)4. Open Space (<i>Public parks</i>)
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c. "Overlay" districts overlap the base districts and add additional requirements or substitute new requirements. This is a mechanism for tailoring requirements to specific locations and circumstances. (Article 20.000)

<p>Examples:</p> <ol style="list-style-type: none">1. Planned Unit Development Districts (<i>None</i>)2. Harvard Square Overlay District3. Institutional Overlay Districts (<i>Radcliffe Yard</i>)4. Parkway Overlay District

Zoning Text

a. Lists permitted uses: Eight major use categories with about 150 separate uses listed. A use not listed is prohibited in the city. (Article 4.000)

b. Establishes dimensional limits: amount of building area allowed (i.e. FAR in the Ordinance), required setbacks, maximum height, dwelling unit density, amount of open space on a lot, minimum lot size. (Article 5.000)

- c. Establishes special regulations: amount, location, and design of parking; affordable housing requirements; special fast order food requirements; flood plain regulations; signs; etc. (Article 11.000, Article 19.000 and elsewhere in the Ordinance)

Approval Procedures

As-of Right Approval

- a. No discretionary approval is required. Inspectional Services reviews the application. Approval (in the form of a building permit) cannot be withheld if the requirements set forth in the zoning ordinance for the use or building proposed are all met. No notice is given to abutters as to an application for a building permit or issuance of a building permit.

Examples:

- a. Most construction of less than 50,000 square feet in commercial districts.**
- b. Townhouse construction of 5 or fewer dwelling units in a Residence B District.**
- c. Construction on university campuses located more than 100 feet from a public street.**

- b. A wide range of requirements can be imposed, but the requirements must be clear, measurable, and not subject to interpretation.

Examples:

- a. Landscaping and screening requirements in parking lots**
- b. Mandated number of bicycle parking spaces.**
- c. Minimum amount of clear glass on the ground floor of buildings. (Mass. Ave. Overlay District)**
- d. Require parking to be behind building facade. (Mass. Ave. Overlay District)**
- e. Require entry onto street for each storefront. (Mass. Ave. Overlay District)**
- f. Inclusionary housing**

Special Permit Approval

- a. Approval is granted by either the Planning Board or the Board of Zoning Appeal (as set forth in the Ordinance) after a public hearing to which abutters receive notice and at which the public may make comment.

b. Special permits may be required for a wide range of activities including uses (Fast Order Food Establishments), dimensional factors (greater height, more floor area, setback relief), construction above a certain threshold (more than 11 townhouse units), etc.

Examples:

- a. Project Review Special Permit. Required for all development of 50,000 square feet or more in commercial and high-density residential districts. Development must meet five traffic impact criteria (or mitigate the impact) and enumerated urban design objectives.**
- b. Activities in Open Space districts (water treatment plant).**
- c. Any McDonalds restaurant, most mom and pop pizza places.**
- d. Commercial buildings over 4 stories in Harvard Square.**

c. Special permit activities are allowed activities in the Ordinance, and should receive approval if the conditions set forth are met. Conditions as outlined in the ordinance range from very general to very specific. Some discretion is vested in the Planning Board and the Board of Zoning Appeal in making the determination as to whether an application should be approved.

e. A special permit process provides the opportunity to establish reasonable conditions that are related to the impact of the proposal on the general public and abutters and to fundamentally shape the character of a development, particularly as it impacts the public realm.

Examples:

- a. Coordination of pedestrian and bicycle improvements in a wide area in Kendall Square through Project Review Special Permit approval of three large commercial projects in close proximity to each other.**
- b. Detailed review of design of structures, location of entries for pedestrians and vehicles, etc. as at several Harvard Square properties.**
- c. Contribution of land, contribution of money for construction, and contribution of yearly maintenance funds for Lechmere Canal Park and Charles Park in East Cambridge by four, PUD approved commercial and housing projects abutting those parks.**

ZONING DISTRICTS IN NEIGHBORHOOD TEN/

Neighborhood Districts

Residence A-1 and A-2 Districts

The city's single-family districts found principally in Neighborhood Ten and limited areas of Neighborhood Nine. Brattle Street is the heart of the districts. Only one single-family house may be constructed on a lot; and existing dwelling may be converted to a two-family house if there is enough lot area. Institutional uses are generally not allowed.

Uses: One family dwellings are permitted. Limited institutional uses are permitted where institutional or commercial uses are already established on the lot.

Height: 35 feet (about three and a half residential stories).

Setbacks: 25/20 foot front yard, 25 foot rear yard, 15/10' sum of 25/20 foot side yards

Unit density: One unit per 6,000/4500 square feet of lot; minimum lot size of 8,000/5,000 square feet.

FAR: 0.5

Special A special permit from the Planning Board is required for any

Features: Townhouse Development of six or more units.



Residence A1 (Brattle Street)



Residence A2 (Larchwoods)

Residence B District

A neighborhood residential district common in North and West Cambridge. In Neighborhood 10, the district is found in the area between Huron and Concord Avenues, along Aberdeen Avenue and in the Marsh neighborhood. A One family, two-family and townhouse residential district. Institutional uses are generally not allowed. Three family multifamily dwellings are non-conforming in this district.

- Uses:** One family, two-family and townhouse dwellings are permitted. Limited institutional uses are permitted where institutional or commercial uses are already established on the lot.
- Height:** 35 feet (about three and a half residential stories).
- Setbacks:** 15 foot front yard, 20 foot rear yard, 7.5/sum of 20 foot side yards
- Unit density:** One unit per 2500 square feet of lot for the first two units, then one unit per 4,000 square feet of lot after that.
- FAR:** 0.5 for the first 5,000 square feet of a lot, 0.35 for any portion of a lot greater than 5,000 square feet.
- Special Features:** A special permit from the Planning Board is required for any Townhouse Development of six or more units.



Residence B (Aberdeen Avenue)



Residence B (Huron Avenue Vicinity)



Residence B (Huron Avenue Vicinity)

Residence C-1 District

A neighborhood residential district more commonly found in the eastern Cambridge neighborhoods; in Neighborhood ten it is found in small, scattered locations at the periphery of the neighborhood. One family, two-family, townhouse and multifamily dwellings, including triple-deckers, are allowed. Institutional uses are generally not allowed.

- Uses:** One family, two-family, townhouse and multifamily dwellings are permitted. Limited institutional uses are permitted where institutional or commercial uses are already established on the lot.
- Height:** 35 feet (about three and a half residential stories).
- Setbacks:** Yards are determined by formula (based on the height of the building and the length of the wall facing the lot line) with a 10 foot minimum front yard and a 20-foot minimum rear yard.
- Unit density:** One unit per 1500 square feet of lot.
- FAR:** 0.75.



Residence C1 (Mount Auburn Street)

Office 1 District

A neighborhood-scaled office district found, in Neighborhood Ten, at the Saint Peters school site. One family, two-family, townhouse and multifamily dwellings are allowed, as well as office and institutional uses. Otherwise, its dimensional characteristics are similar to those of the Residence C-1 District..

Uses: One family, two-family, townhouse and multifamily dwellings are permitted. Institutional and office uses are permitted.

Height: 35 feet (about three and a half residential stories).

Setbacks: Yards are determined by formula (based on the height of the building and the length of the wall facing the lot line) with a 10 foot minimum front yard and a 20-foot minimum rear yard.

Unit density: One unit per 1200 square feet of lot.

FAR: 0.75.



Office 1 (Mount Auburn Street)



Office 1 (Mount Auburn Street)

Residence C-2 District

A medium density residential district scattered across the city where multistory apartment buildings or university activities are located. In Neighborhood Ten the district is found at the Radcliffe Yard, along Memorial Drive and Concord Avenue where large apartment buildings are located. One family, two-family, townhouse and multifamily dwellings are allowed. Institutional uses are permitted.

Uses: One family, two-family, townhouse and multifamily dwellings are permitted. Limited institutional uses are permitted where institutional or commercial uses are already established on the lot.

Height: 85 feet (about eight residential stories).

Setbacks: Yards are determined by formula (based on the height of the building and the length of the wall facing the lot line) with a 10 foot minimum front yard and a 20-foot minimum rear yard.

Unit density: One unit per 600 square feet of lot.

FAR: 1.75.



Residence C2 (Mount Auburn and Brattle Streets)

Residence C-3 District

A high-density residential/institutional district centered on the two university campuses, but occurring elsewhere where there are concentrations of institutional or high density residential uses. In Neighborhood Ten it is found at the hospital and in the Charles Square area in Harvard Square. One family, two-family, townhouse and multifamily dwellings are allowed. Institutional uses are permitted.

Uses: One family, two-family, townhouse and multifamily dwellings are permitted. Limited institutional uses are permitted where institutional or commercial uses are already established on the lot.

Height: 120 feet (about twelve residential stories).

Setbacks: Yards are determined by formula (based on the height of the building and the length of the wall facing the lot line) with a 5 foot minimum front yard and a 20-foot minimum rear yard.

Unit density: One unit per 300 square feet of lot.

FAR: 3.0



Residence C3 (Mount Auburn Hospital)

Business A-1 District

A neighborhood commercial district. Huron Village, the Concord/Huron shopping area, and, at a quite different, scale the Star Market area on Mount Auburn Street are all BA-1 districts. Most retail uses are allowed (not fast order food establishments, however) as well as office and residential uses.

- Uses:** All residential, institutional, office and most retail uses are permitted.
Height: 35 feet (three residential stories and two - three commercial stories).
Setbacks: No front or side yards, 20-foot rear yard, for the commercial uses; housing is subject to Residence C-1 standards.
Unit density: One unit per 1200 square feet of lot.
FAR: 1.0 for the non-residential uses, 0.75 for residential uses.



Business A1 (Huron Village)



Business A1 (Mount Auburn Street)



Business A1 (Star Market)

Business A District

Another neighborhood commercial district. Small areas can be found on Fresh Pond Parkway and on Church Street in Harvard Square. Most retail uses are allowed (including fast order food establishments) as well as office and residential uses.

- Uses:** All residential, institutional, office and most retail uses are permitted.
Height: 35 feet for non-residential uses, 45 feet for residential uses.
Setbacks: No front or side yards, 20-foot rear yard, for the commercial uses; housing is subject to Residence C-2B standards.
Unit density: One unit per 600 square feet of lot.
FAR: 1.00 for non-residential uses, 1.75 for residential uses.



Business A (Fresh Pond Parkway)

Harvard Square Districts

Business B District

A high-density downtown business district. This is the principal commercial district in Harvard and Central Squares. Retail, office, institutional and residential uses are permitted.

- Uses:** All residential, institutional, office and retail uses are permitted.
Height: 80 feet
Setbacks: No yards for non-residential uses; housing is subject to Residence C-2 standards.
Unit density: One unit per 300 square feet of lot.
FAR: 2.75 for non-residential uses, 3.00 for residential uses.

Office 3 District

A high-density downtown Office district. It occurs in Harvard Square at University Place and further east along Mt Auburn Street near the Lampoon Building. Office, institutional and residential uses are permitted.

- Uses:** All residential, institutional, and office uses are permitted.
Height: 120 feet
Setbacks: Formula yards with a minimum 5 foot front yard, 20 foot rear yard.
Unit density: One unit per 300 square feet of lot.
FAR: 2.0 for non-residential uses, 3.00 for residential uses.

Harvard Square Overlay District

The Overlay District modifies the provisions of its base districts: Business B, Business A-1, Office-3, Residence C-3 and Residence C-2 along the eastern boundary of Neighborhood Ten in Harvard Square. The District has provisions to limit height, waive parking and setbacks, permit some retail uses in office and residence districts, and to establish a committee representing neighborhood, business groups and property interests to review new development proposals.

- Height:** Eighty feet is the maximum height permitted anywhere in the Overlay District.
FAR: The Overlay District retains the somewhat higher FAR limits in the BB and O-3 districts that prevailed before reductions were adopted for those districts elsewhere in the city.
Parking: Waiver of parking is permitted for urban design as well as for transportation reasons.
Uses: Limited retail uses are permitted in office and residential districts in order to facilitate the retention valuable architectural resources.

Design A committee of thirteen members representing property owners, constituent neighborhoods, affected institutions, and businesses review new development proposals and special permit applications for consistency with the urban design objectives of the District.

